

Prob 12B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION
WITH CONSENT OF THE OFFENDER**

(Probation Form 49, Waiver of Hearing, is on file)

Offender Name: Oscar MAYS
Docket Number: 2:04CR00070-01
Offender Address: Stockton, California
Judicial Officer: Honorable Morrison C. England, Jr.
United States District Judge
Sacramento, California
Original Sentence Date: 02/15/2005
Original Offense: 18 USC 924(c)(1) - Possession of a Firearm in the
Furtherance of a Drug Trafficking Felony
(CLASS A FELONY)
Original Sentence: 60 months custody Bureau of Prisons; 60 months Supervised
Release; \$100 Special Assessment
Special Conditions: Warrantless search; Financial disclosure; Drug/alcohol
treatment program/testing; Co-payment for treatment/testing;
Abstain from alcohol and alcohol restrictions
Type of Supervision: Supervised Release
Supervision Commenced: 04/10/2009
Assistant U.S. Attorney: Richard J. Bender **Telephone:** (916) 554-2700
Defense Attorney: Mary French **Telephone:** (916) 498-5700
Other Court Action: None

RE: Oscar MAYS

Docket Number: 2:04CR00070-01

**PETITION TO MODIFY THE CONDITIONS OR TERM
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PETITIONING THE COURT

To modify the conditions of supervision as follows:

8. The defendant shall participate in 200 hours of community service as determined by the probation officer.

Justification: Mr. Mays began his supervised release on April 10, 2009. In November 2009, while conducting a review of the offender's CLETS printout (rap sheet) during a case review, it was discovered that the offender had a new DUI conviction which he had not reported to the probation officer. Mr. Mays was arrested for Driving Under the Influence on April 10, 2009. He was convicted of a misdemeanor on May 20, 2009, and placed on 3 years Court Probation.

Mr. Mays has been attending Delta College full-time since September 2009. He is also a part-time in-home care provider and earns approximately \$400/month. Mr. Mays has participated in the testing program through New Directions since May 2009, and has had no issues with testing. He participated in counseling twice per month for his first six months on supervision. Mr. Mays does not feel that alcohol is a problem for him. He has been diligent about contacting this officer with any issues on supervision, and has been in compliance with all of his terms and conditions. He was very apologetic about not disclosing the DUI conviction, and has acknowledged not only the serious nature of the New Law Violation, but his poor decision in not being forthcoming with this officer regarding the incident. Any further issues regarding alcohol occurring while on supervision will result in additional sanctions and re-enrollment in drug/alcohol abuse counseling.

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**PETITION TO MODIFY THE CONDITIONS OR TERM
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Respectfully submitted,

/s/ Wendy E. Reyes
WENDY E. REYES
United States Probation Officer
Telephone: (916) 683-4375

DATED: March 11, 2010
Elk Grove, California
WER/cj

REVIEWED BY: /s/ Deborah A. Spencer
DEBORAH A. SPENCER
Supervising United States Probation Officer

THE COURT ORDERS:

- (XX) Modification approved as recommended.
() Modification not approved at this time. Probation Officer to contact Court.
() Other:

Dated: March 16, 2010



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

RE: Oscar MAYS

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cc: United States Probation
Richard J. Bender, Assistant United States Attorney
Mary French, Assistant Federal Defender
Defendant
Court File